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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT TACOMA

11 JOHN E. BARNHOUSE,

12 Plaintiff,

13 v.

14 HAROLD CLARK, *et al.*,

15 Defendants.

No. C09-5527 RBL/KLS

ORDER GRANTING APPLICATION TO
PROCEED IN FORMA PAUPERIS AND
DIRECTING INSTITUTION TO
CALCULATE, COLLECT, AND
FORWARD PAYMENTS

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17 Before the Court is Plaintiff's application to proceed in forma pauperis. Dkt. 1. Plaintiff
18 proposes to file what he has designated as a "Petition for Writ of Habeas Corpus (2241)". Dkt.
19 1-2. However, upon review, the Court finds that Plaintiff is attempting to file a complaint under
20 42 U.S.C. § 1983. Accordingly, the Court does hereby find and ORDER:

21 Plaintiff's declaration indicates he is unable to afford the court's filing fee or give
22 security therefor. Accordingly, Plaintiff's application to proceed as a pauper is **GRANTED**. As
23 set forth below, an initial partial filing fee will be collected, and Plaintiff is required to
24 make monthly payments of 20 percent of the preceding months income credited to his/her
25 account until the full amount of the filing fee is satisfied.
26

ORDER - 1

1 Pursuant to 28 U.S.C. § 1915 and Plaintiff's approved application to proceed *in forma*
2 *pauperis*, the agency having custody of the above named Plaintiff is directed to calculate an
3 initial partial filing fee equal to 20 percent of greater of -- the average monthly deposits to the
4 prisoner's account or the average monthly balance in the prisoner's account for the 6-month
5 period immediately preceding the date of this Order. The initial partial filing fee should be
6 forwarded to the Court Clerk as soon as practicable.
7

8 Subsequently, if the prisoner's account exceeds \$10.00, each month the agency is
9 directed to collect and forward payments equal to 20 percent of the prisoner's preceding month's
10 income credited to the prisoner's account. In the event that the monthly payment would reduce
11 the prisoner's account below \$10.00, the agency should collect and forward only that amount
12 which would reduce the prisoner's account to the \$10.00 level. Please note that this \$10.00 limit
13 does not apply to the initial partial filing fee described above. Finally, the monthly payments
14 should be collected and forwarded to the court until the entire filing fee (\$350.00) for this matter
15 has been paid.
16

17 The Clerk is directed to send plaintiff a copy of this Order and the General Order, along
18 with a copy of Plaintiff's Acknowledgment and Authorization portion of the IFP application to
19 the attention of the inmate account manager of the Stafford Creek Corrections Center, Aberdeen,
20 Washington.
21

22 DATED this 5th day of October, 2009.

23
24 
25 Karen L. Strombom
26 United States Magistrate Judge